

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:18-CR-10259-FDS-1
)	
TYRONE SMITH,)	
)	
Defendant.)	

JOINT FINAL STATUS MEMORANDUM

Pursuant to Local Rule 116.5(c), the United States of America and the defendant, Tyrone Smith, submit this joint status memorandum for the Final Status Conference scheduled for February 19, 2019. Tyrone Smith is charged with one count of 21 U.S.C. § 841(a)(1), distribution of cocaine base.

1. Request for a Rule 11 hearing

Counsel for the defendant needs more time to review discovery and respond to any request they may have. The parties have discussed and reasonably foresee a resolution of this matter by way of plea, and potential plea agreement. However, until such an agreement can be reached, no Rule 11 hearing is requested at this time.

2. Pretrial Conference

No pretrial conference before the district court is requested at this time. No pretrial motions are pending, and counsel for the defendant needs additional time to meet with the defendant regarding any pretrial motions, and a potential plea agreement.

A. Discovery and discovery requests

The government has provided automatic discovery, and it is believed to be complete. If

additional reports or information are anticipated or received, they will be provided as soon as received.

B. Timing of additional discovery requests

The defendant continues to review the discovery, and no further requests have been made at this time.

C. Pretrial motions

The defendant has not filed any pretrial motions under Fed. R. Crim. P. 12(b). If trial becomes likely, the Court may wish to consider establishing a date by which such motions should be filed.

D. Periods of excludable delay

Pursuant to the Court's prior orders (docket entries #17, 26, 36, & 47), zero days have counted for speedy trial purposes. Accordingly, zero days of non-excludable time have accrued and 70 days will remain under the Act in which the case must be tried.

The parties request that any period of time from the final status hearing on February 19, 2019, to the further final status hearing be excluded in the interests of justice.

E. Estimated length of trial

The estimated length of the trial is one week.

3. Other matters

The parties believe a further final status conference could be scheduled in 60 days, by which time the parties may have a better sense of direction in this case.

Respectfully submitted,

ANDREW E. LELLING
UNITED STATES ATTORNEY

By: /s/ Philip A. Mallard
Philip A. Mallard
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

By: /s/ Philip A. Mallard
Philip A. Mallard
Assistant U.S. Attorney